

PATENT

DOCKET NO.: VTN5023
Application No.: 10/699,417
Office Action Dated: January 10, 2006

REMARKS/ARGUMENTS

A two month extension of time and fee is submitted herewith. The application was filed without a claim 16. Accordingly, in the amendment above, there is no claim 16. Support for the amendment to claim 1 may be found in original claim 14. Support for new claim 21 may be found in original claim 20.

Rejections under 35 U.S.C. §102(e)

Examiner rejected claims 1-3, 5, 10-13, 19 and 20 under 35 U.S.C. 102(e) as being anticipated by PGPUBS Document US2004/0176628 ("Kunzler et al.").

Claim 1 has been amended to recite that the silicone containing compound is a monomer of Formulae I or II. Kunzler et al. does not disclose treating silicone containing monomers of Formulae I or II. Claims 2-3, 5, 10-13 and 19 all depend from claim 1. Claim 20 has been canceled. New claim 21 recites "contacting at least one silicone containing acrylic star copolymer or macromer with a supercritical fluid" under specific conditions. Kunzler et al. discloses purifying silicone oil tamponades via supercritical fluid extraction. Kunzler neither discloses nor suggests that silicone containing acrylic star copolymers or macromers could be purified via supercritical fluid extraction. Accordingly, Applicants submit that the 102(e) rejection based upon Kunzler et al. has been traversed.

IV. Rejections under 35 U.S.C. §102(b)

Examiner rejected claims 1-3, 10-13, 19 and 20 under 35 U.S.C. 102(b) as being anticipated by US6,071,439 ("Bawa et al.")

Bawa et al. discloses "a method of treating contact lenses made from polymerizable materials by providing supercritical fluids *to the lenses*." Bawa et al. abstract. Bawa et al. neither discloses nor suggests using a supercritical fluid to treat anything other than a formed contact lens. Examiner cites column 3, lines 4-49 as support for this rejection. Applicants respectfully disagree. Bawa et al. at col. 3, lines 4-49 discloses components which may be used to make a contact lens. There is no disclosure or suggestion in Bawa et al. that these raw materials could or should be purified by any method, let alone by using a supercritical fluid.

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Claim 1 of the present invention recites treating specific monomers with a supercritical fluid. The monomers of claim 1, and the silicone containing acrylic star copolymer or macromer are raw materials which are useful for making medical devices, including contact lenses. Accordingly, applicants submit that claim 1, as amended, and claims 2-3, 10, 11 and 13 and new claim 21 are novel over Bawa et al. Claims 12 and 19 have been canceled.

Rejections under 35 U.S.C. §103

Examiner has made the following rejections under 35 U.S.C. 103(a):

Claims 4 and 6 as being unpatentable over Kunzler et al PGPUBS Document US2004/0176628.

Claim 4 as being unpatentable over Bawa et al patent 6,071,439.

Claims 5-9 as being unpatentable over Bawa et al patent 6,071,439 in view of Kunzler et al PGPUBS Document US2004/0176628.

Claim 1 has been amended to recite that monomers of Formulae I or II are treated via contacting with a supercritical fluid. Bawa et al. discloses treating contact lenses with a supercritical fluid. Kunzler et al. discloses treating silicone oils suitable for ocular tamponades with a supercritical fluid. Neither discloses the monomers recited in claim 1, nor that supercritical fluid should be used to purify anything other than the contact lenses or tamponade oils disclosed therein. Claims 4, 6 and 5-9 depend from claim 1. Accordingly, Applicants submit these claims are patentable over either Bawa et al. or Kunzler et al.

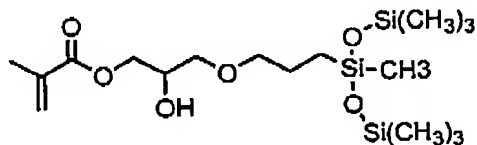
Examiner has also rejected claims 14-18 and 20 as being unpatentable over either Bawa et al patent 6,071,439 or Kunzler et al PGPUBS Document US2004/0176628 in view of any of: Bambury et al (US5,070,215); Lai et al (US5,034,461); Su et al (US4,070,533) or Deichert et al (US4,153,641). Claims 14 and 20 have been cancelled. There was no claim 16 in the originally presented claims. Claim 15 recites silicone monomers which have at the R⁵ position hydroxyl, -CH₂OH or -CH₂CHOHCH₂OH. None of the references cited by Examiner disclose silicone monomers having this structure, or suggest, that these monomers could be purified using the currently recited method.

Claims 17 recites 5 specific silicone monomers. None of the monomers recited in claim 17 are disclosed or suggested by Bawa et al., Kunzler, et al., Bambury et al., Deichert et al., or Su et al.

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Claim 18 recites that the silicone containing monomer comprises:



None of the references cited by Examiner disclose or suggest the above monomer, or that this monomer could be purified using the currently recited method.

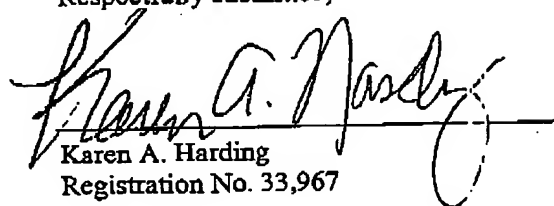
As noted above, Applicants have reviewed the cited references carefully and could not find a disclosure of the monomers which are specifically recited in claims 15, 17 and 18. If Examiner disagrees, Applicants respectfully request Examiner note the location of the disclosure within the references.

V. Conclusions

Applicants respectfully submit that the rejections have been traversed by the foregoing amendments and arguments. Withdrawal of the rejections, and allowance of the claims as amended is requested.

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Respectfully submitted,


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